

REMARKS/ARGUMENTS

The present application contains claims 1-7, 17, 18 and 22. Claims 8-16 and 19-21 have been cancelled as being directed to non-elected subject matter. The cancelled claims are being filed in divisional applications. Claims 1-3, 17 and 18 have been amended. Claim 22 has been newly added.

Making reference to the Office Action Summary, it is noted that the Office Action is responsive to the Amendment filed June 16, 2008, and that a three-month response date has been set. It is submitted that this Reply is being timely filed.

Title

Applicant has submitted a new title responsive to the Examiner's request.

Objections to the Drawings

Regarding the requirement for new drawings, the Examiner objects to the drawings because the labels are not in English. Applicant sent replacement drawings in response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated September 16, 2005. See Applicant's Response dated September 30, 2005. This matter was discussed with Examiner Hernandez who requested that Applicant send a copy of the return postcard and a supplemental set of the drawings submitted with response dated September 30, 2005. A copy of the return postcard and a supplemental set of the drawings submitted September 30, 2005 accompany this amendment.

Claim Rejections - 35 U.S.C. §102

The rejection of claim 1 under 35 U.S.C. §102(b) as anticipated by Til et al. (WO 97/23993) is respectfully traversed.

Til et al. neither discloses nor remotely suggests use of “temperature” of the pickup device and “gain” of the image signal for the purpose of reducing noise attributable to the image pickup device. Support for these limitations is set forth, for example, in the specification of the present application at page 18, lines 5-10. These limitations are recited in amended claim 1. For these reasons, it is submitted that claim 1 patentably distinguishes over Til et al.

New claim 22 depends from amended claim 1 and it is submitted that claim 22 is patentable over Til et al. for the reasons set forth above regarding amended claim 1. Claims 2 and 3, which have been indicated as being allowable, depend from claim 22 and, in view of the amendment of claim 1 to patentably distinguish over Til et al., it is submitted that there is no need to amend claims 2-3 to insert the limitations of their main claim and any intervening claims.

Claim Rejections - 35 U.S.C. §103

The rejection of claims 4 and 6 under 35 U.S.C. §103(a) as unpatentable over Til et al. (WO 97/23993) in view of Yonekawa et al. (Pat. 5,046,121) is respectfully traversed.

It is submitted that claims 4 and 6, which depend from claim 1, patentably distinguish over Til et al. taken alone for the same reasons set forth regarding claim 1. Even assuming, for the sake of argument, that Yonekawa et al. is combinable with Til et al, Yonekawa et al. lacks the teachings lacking in Til et al. and it is submitted that claims 4 and 6 patentably distinguish over Til et al. in view

of Yonekawa et al. Yonekawa et al. neither discloses nor remotely suggests use of “temperature” of the pickup device and “gain” of the image signal for the purpose of reducing noise attributable to the image pickup device.

Allowable claims 5 and 7 respectively depend from claims 4 and 6 and, in view of the amendment of claim 1 to patentably distinguish over Til et al., and further in view of the allowability of claims 4 and 6 for the reasons set forth above, it is submitted that there is no need to amend claims 5 and 7 to insert the limitations of their main claim and any intervening claims.

Claim Rejections - 35 U.S.C. §101

The rejection of claim claims 17-18 as failing to comply with 35 U.S.C. §101 is respectfully traversed.

Claim 17 has been amended to delete “An image pickup program stored in a machine readable medium for execution by a computer.” Claim 18 has been amended in a similar manner. For these reasons, it is submitted that the §101 rejection should be withdrawn.

Claim Rejections - 35 U.S.C. §112

The rejection of claim claims 17-18 as failing to comply with 35 U.S.C. §112 is respectfully traversed.

Claim 17 has been amended to delete any reference to “a machine readable medium” and it is submitted that the §112 rejection should be withdrawn.

Claim Rejections - 35 U.S.C. §103

The rejection of claim 17 under 35 U.S.C. §103(a) as unpatentable over Til et al. (WO 97/23993) in view of Takayama et al. (Pat. 6,512,791) is respectfully traversed.

It is submitted that claim 17, as amended recites substantially the same limitations as amended claim 1 in method format and, Til et al. (WO 97/23993) and Takayama et al. (Pat. 6,512,791), taken either alone or in combination, fail to disclose or remotely suggest use of “temperature” of the pickup device and “gain” of the image signal for the purpose of reducing noise attributable to the image pickup device. The only “gain” mentioned in Takayama et al. is for controlling the gain of the voltage controlled amplifier (VCA) 14a of the Image Processing Circuit 14 described in the text of Takayama et al. at column 6, lines 36-44 (see Fig. 4) and column 8, lines 47-50 (see Fig. 9). There is no teaching in Takayama et al. of the ability to “estimate the amount of noise based on the zero-order component as well as the temperature and the gain.” It is therefore submitted that claim 17 patentably distinguishes over Til et al. in view of Yonekawa et al. Claim 18 depends from claim 17 and likewise is patentable over Til et al. in view of Takayama et al.

The rejection of claim 18 under 35 U.S.C. §103(a) as unpatentable over Til et al. in view of Takayama et al. and further in view of Yonekawa et al. (Pat. 5,046,121) is respectfully traversed.

Claim 18 depends from claim 17 and likewise is patentable over Til et al. in view of Takayama et al.

It is submitted that claim 18, as amended, recites substantially the same limitations as amended claim 1 and, since Til et al., Takayama et al. and Yonekawa et al. (Pat. 5,046,121), taken alone or in combination, fail to disclose or remotely suggest use of “temperature” of the pickup device and “gain” of the image signal for

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the purpose of reducing noise attributable to the image pickup device, it is submitted that claim 18 patentably distinguishes over Til et al. in view of Takayama et al. and further in view of Yonekawa et al.

In view of the foregoing, reconsideration and allowance of claims 1, 4, 6, 17 and 18, together with allowable claims 2, 3, 5 and 7 are earnestly solicited.

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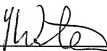
Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1-7, 17-18 and 22, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosure